

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>BENJAMIN YOCUM &amp; HEATHER LTD,</b>	)	<b>CASE NO.: 1:17-CV-00850</b>
<i>et al.</i>	)	
<b>Plaintiffs,</b>	)	<b>Judge Michael R. Barrett</b>
<b>vs.</b>	)	
	)	<b>Magistrate Judge</b>
<b>BLACK WOLF CONSULTING, INC.,</b>	)	<b>Stephanie K. Bowman</b>
<i>et al.</i>	)	
<b>Defendants.</b>	)	

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**SECOND JOINT STATUS REPORT REGARDING  
RELATED DEPARTMENT OF LABOR LITIGATION  
U.S. DISTRICT COURT, N.D. ILL., CASE NO.: 1:17-CV-07931**

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Pursuant to the May 30, 2018, Memorandum Opinion and Order of United States Magistrate Judge Stephanie K. Bowman [Doc.#17], Plaintiffs, Benjamin Yocum & Heather, LTD., Thomas R. Yocum, Kathryn K. Mecklenborg, Jose Pedro Santos, Deborah L. Evans, Donna H. Moore, and Anthony J. Iaciofano, and Defendant Benefit Plan Administrators, Inc. hereby jointly provide the following second status update regarding the Department of Labor litigation filed against AEU Benefits, LLC, and other plan fiduciaries and administrators in the U.S. District Court for the Northern District of Illinois, *R. Alexander Acosta, Secretary of Labor, United States Department of Labor v. AEU Benefits, LLC, et al.*, case number 1:17-CV-007931 (“the DOL action”).

The DOL action continues to proceed against all defendants including AEU Benefits, LLC, AEU Holdings, LLC, Black Wolf Consulting, Inc., SD Trust Advisors, LLC, and AEU Holdings, LLC Employee Benefit Plan.

Several new parties have been added to the DOL action. On September 12, 2018 the AEU Defendants filed an Amended Answer including an additional Cross-claim against original Defendant Black Wolf and a Third-Party Complaint adding Third-Party Defendants Rodney Maynor, Vertias PEO, LLC, James D'Iorio, Charles LaMantia, Rick Wilson, Wilson Benefit Services, LLC, and Tall Tree Administrators, LLC.

The Secretary of Labor thereafter filed an Amended Complaint on October 9, 2018 including claims against new parties Rod Maynor, Stephen Satler, Steven Goldberg, Charles LaMantia, James D'Iorio, Vertias PEO, LLC, Veritas Benefits, LLC, Wilson Benefit Services, LLC, WBS, LLC, and Donald R. Wilson, as well as additional allegations and claims against original Defendants Black Wolf, AEU Benefits, LLC, and AEU Holdings, LLC.

The docket does not reflect any changes in the Scheduling Order previously issued in the DOL action and attached to our prior Joint Status Report to this Court [Doc.#20]. A brief hearing was held October 31, 2018 to address administrative issues including withdrawal by certain counsel and the extension of certain Answer deadlines. It does not appear as though any Status Hearing took place on November 14, 2018 as previously scheduled.

Lastly, the Independent Fiduciary filed a Ninth Quarterly Report on October 8, 2018. That Report largely reflects the Independent Fiduciary's continued efforts to marshal and control Plan assets and address questions and concerns of providers and members. A copy of that Ninth Report is attached hereto as Exhibit A for the Court's reference.

<p>Respectfully submitted,</p> <p><u>/s/ <b>Patrick M. O'Neill</b></u>  (per 11-21-2018 e-mail auth.)</p> <hr/> <p>Bradford C. Weber, Esq. (#0068724)  Patrick M. O'Neill, Esq. (#0062519)  Benjamin, Heather, Iacofano &amp; Bitter, LLC  The American Book Building  300 Pike Street, Ste. 500  Cincinnati, OH 45202-4222  Telephone: (513) 721-5672  Facsimile: (513) 562-4388  Email: <a href="mailto:bcweber@bhiblaw.com">bcweber@bhiblaw.com</a>  <a href="mailto:pmoneill@bhiblaw.com">pmoneill@bhiblaw.com</a>  <b>Counsel for Plaintiffs</b></p>	<p><u>/s/ <b>Chad E. Willits</b></u></p> <hr/> <p>Chad E. Willits, Esq. (#0066541)  Ian D. Mitchell, Esq. (#0090643)  Reminger Co., LPA  525 Vine Street, Ste. 1700  Cincinnati, OH 45202  Telephone: (513) 455-4024  Facsimile: (513) 721-2553  Email: <a href="mailto:cwillits@reminger.com">cwillits@reminger.com</a>  <a href="mailto:imitchell@reminger.com">imitchell@reminger.com</a>  <b>Counsel for Defendant Benefit Plan  Administrators, Inc.</b></p>
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